IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Rajendra Mewada. Versus State of Rajasthan & ors.

S.B. Criminal Misc. Petition No. 495/2006

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Date of Order: July 16, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr.Arjun Purohit, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Code" hereinafter), the petitioner-husband has challenged the order dated 17-12-2005 passed by the Judge, Family Court, Jodhpur, whereby the interim maintenance of Rs.1000/- per month to the respondent No.2 Smt. Santosh, the wife of the petitioner, and Rs.400/- per month each in favour of respondents No.3 and 4, the sons of the petitioner, have been granted.

Heard learned counsel for the petitioner. Perused the order impugned.

It is contended by the learned counsel for the

petitioner that the amount of interim maintenance granted by the court below is excessive. Learned counsel further submits that the petitioner filed an application under Section 9 of the Hindu Marriage Act for restitution of conjugal rights before the Family Court and thus he is willing to keep and maintain the respondents.

Be that as it may, these are the questions to be decided after adducing the evidence. The interim maintenance is an interim arrangement during pendency of the application under Section 125 of the Code and, therefore, in my view, it is not a fit case warranting interference in the order granting interim maintenance. The petition is, therefore, dismissed. However, the Family Court is directed to decide the main application under Section 125 of the Code filed by the respondents No.2 to 4 utmost expeditiously, preferably within four months from the date of submission of a certified copy of this order.

(H.R. PANWAR), J.

mcs